JAG File ? (The one with the Flight Information Digest on top)

This is not intended as a complete memo on it or its contents. I will offer some opinions that may or may not have significance in the trial. I think it is very helpful in a number of ways and areas. There is no single thing in it that to my recollection even seriously disputes anything I have alleged and there is much that I think specifically or in essence confirms. There is extensive doshonesty but, fortunately, there is also proof of the dishonesty, of such a nature as to leave the intent of dishonesty not reasonably in doubt.

There is evidence of what the Army was really up to and of its determination to misuse us and out claims for their special purposes.

This, very obviously, is an incomplete file and incomplete in ways that can't be accidental. The clearest example is at the very end, the Leahy correspondence. It holds only one of his letters to me, none of mine to him, not even a transcript of our Pentagon session, and not one of any of his conferences at the Pentagon with me not present.

I think one of the first things to be done is to ask Better, as I suggested Friday, to join us in a motion for discovery against his client. If he has not held things out on you, they have, without subtlety, on him. Memos are referred to that are not included and I am without doubt that we urgently need some.

There is no record of ph one communication between me and Leahy's office. Of one I have the sharpest recollection and visual image- a helicopter in what seemed like acute distress while violating the regulations. I reported this immediately to his office by phone and if they deny it, the phone records will prove it.

The falsifications by Van Voris and of his records is not questionable. The evidence is here and does not depend upon my own copies.

I have a separate list of each document in this file, with notes, sometimes no more than to identify each. It will be included with this after I correct it.

I think you can understand that merely reliving this is an emotional strain. Finding out what was being done to us behind our backs aggravates this, so I hope you will be tolerant.

They actually did plan to prosecute us as common nuisances for doing what the DOD told me to do and for my abiding by the requirements of their regulations. This did cause great emotional stress to my wife, to whom it happened when I was not home. The directions from JAG that this be done are included. Some of it is not. I have some of what is not included on tape, the threat from a civilian still using his military title when he was not in the military, Colonel Cjecka. The provided records show that this bother thing was not withdrawn voluntarily but that they backed down when I challeneged them. All of these things are marked by slips of paper and can be located from the summary.

I think there is something else bearing on what follows but I am a bit excited and can't remember. They were making on they were going to settle with us and all the time had no such intention. They really planned to use my claims as a test case to overturn Judge Thomsen's decision, described as "not well reasoned" in the 12/24/63 Van Voris memorandum.

Please note that all of this was the behind-the-scenes bit when Van Voris and others were pretending to negotiate with me in good faith pursuant to the original Pentagon agreement. Note also that this is substantiated by those of my letters that are included in this file and are not even by indirection disputed.

VanVoris' recommendation in 6. concludes, after condemnation of criticism of the judge's decision,"that this decision is not well reasoned and is subject to ~~overruling~~ being overruled or distinguished if litigation should result from this present claim."

I have marked this paragrpah with a paperclip.

In 5 f before this Van Voris notes that some of the military wanted to appeal the original decision. Moral questions may not appeal to lawyers but they do to victims. The time for appeal was at the time of decision, but by deceiving us and undermining a DOD decision and agreement that I had to live up to and did while they were playing games with me and my being honest with them. The Army did agree with the DOD decision.

Immediately preceeding the first of the three copies of this Van Voris memo (all are illegible) is one by Colonel Merritt, unidentified, to Colonel Blackmarr, dated 7/20/64, the recommendations at the end of which I call to your attention. This is what we had agreed to do two years earlier, what Van Voris was supposed to be doing and didn't even try to, and what I thought they were doing. It discloses that at that late date in all of this things were essentially as I represent, that we were supposed to be working together. This does not say they are to tell me to do certain things. It says "It is believed that a determination should be made whether". Now some of these questions are answered unequivocally and redundantly, such as overflights and the fact that they have directed to be in violation of the regulations and in a manner other than in the application, that is, lower. This file shows such flights are frequent and says why, which I think you want want to consider in any Tucker Act approach as we talked about. They [illegible] to the judge in the first case and I think this addresses that. One example, Van Voris, 5d. More than a year later, 9/27/65, Blackmarr wrote me "I have no reason to doubt" occasional overflights. Chacala's successor, Capt. Zagrea, [illegible], 2/24/65, "We regret that these incidents are recurring..." Van Voris, h 2, "... the undersigned does not dispute the fact that overflights and sonic booms [illegible] during the period in question..." In 5d he refers to a "great many" flights in the immediate area and says they are "fairly frequent" and are "routed over" [illegible] long after the decision. In fact, he even concedes (6 h i, "The claims are the result of a continuing series of incidents..."

At no point in this file is the fact of overflights, low overflights or of any doubt of my representations disputed. The few references to checking are frivolities, at best adding that the guilty volunteer for court-martial. At no point was one of my reports referred to an operational person, and in every case to claims personnel. In almost every case no effort was made to check the report with the inspector. Where there is a notation, it is such as "file".

This file even admits that we were damaged.

If there is a legal basis for arguing they were entitled to have the statute run because I trusted them, this volume proves it.

Every reference to our health is underlined, not by me and before xeroxing.

Two things relative to this are pretty clear: the Army was determined not to abide by the agreement the DOD negotiated and I lived up to, as reflected in even the letters from me to Van Voris included at the end; the claims are legitimate but should be rejected because there is more than one and the tortious acts continued ("direct result of continuing series"). This, with the decision to first appeal and then to use this as a means of trying to overturn the decision by using us, I think ~~xxx~~ clarify my point.

Whenever there is reference to the basic Pentagon agreement, it is not disputed and is tacitly agreed to, examples, my Blackmarr and Van Voris correspondence, the latter even breaking down the computations from the property and business loss and showing that I was working on what he wanted and asking help from him long after he lied and said I refused. It shows also that I had experts there to help with the computations after he visit and reported it.